

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	Criminal Number 1:04cr252
)	
HOMERO BIRREY DOMINGUEZ-RUIZ)	The Honorable Claude M. Hilton
)	
Defendant)	

STATEMENT OF FACTS

The United States and the defendant, Homero Birrey Dominguez-Ruiz, agree that had this matter proceeded to trial, the United States would have proven the facts outlined below beyond a reasonable doubt.

1. The defendant, Homero Birrey Dominguez-Ruiz, is a 36-year-old Guatemalan male residing in the United States unlawfully.

2. An alien registration receipt card is a document issued by the Department of Homeland Security (hereinafter DHS) to an alien as proof of that alien's lawful permanent resident status in the United States. (DHS is the statutory successor to the Immigration and Naturalization Service (hereinafter I.N.S.).) The card is formally known as a DHS form I-551, but is commonly referred to as a green card. The alien holder of an alien registration receipt card is entitled by law to work and reside in the United States and may, with the passage of time, apply for United States citizenship. An employment authorization document is a document issued by DHS to an alien as proof of that alien's permission to work in the United States legally. It is more commonly known as a work permit and, as its name implies, it is a document prescribed by statute and regulation as evidence of authorized employment in the United States.

3. A social security card is a document issued by the Social Security Administration to individuals in the United States as proof that the individual has a social security account and account number. Each social security account number is unique and issued to only one individual.

4. Counterfeit alien registration receipt cards, employment authorization documents, and social security cards are “false identification documents” as that term is defined at 18 U.S.C. § 1028(d).

5. Beginning no later than April, 2002 and continuing through April 21, 2004, the defendant produced counterfeit alien registration receipt cards, employment authorization documents, and social security cards for sale to illegal immigrants in the Northern Virginia area. The defendant made these cards in his residence in the Eastern District of Virginia located at 3407 Luttrell Road, Annandale, Virginia.

6. According to his own statements, made subsequent to his arrest, the defendant made, possessed, or sold over 100 counterfeit alien registration receipt cards, employment authorization documents, and social security cards that appeared to be issued, but were not in fact issued, under the authority of the United States government.

7. The defendant produced the counterfeit alien registration receipt cards, employment authorization documents, and social security cards he sold using a typewriter, counterfeit stationery, and plastic laminates. As a general matter, the defendant produced cards to order, that is, he received orders for specific cards from specific clients or third parties.

8. At all times relevant to this case, the defendant produced the alien registration receipt cards, employment authorization documents, and social security cards he sold without any lawful authority. In fact, the defendant knew that his activities were illegal and that the identification

documents they produced—documents that appeared to be issued under the authority of the United States—were false and counterfeit.

9. At no time relevant to this case, did DHS, I.N.S., or the Social Security Administration employ or engage the defendant for any purpose. Rather, the defendant was, at all times, acting in his own capacity for reasons of profit.

10. Specifically, the defendant produced counterfeit green cards, work permits, social security cards, and New York State Driver's Licenses without regard to the true identity of their immigrant clients and for the purpose of earning a fee of \$100 for both a social security card and a green card/work card and \$150 for a New York State Driver's License.

11. On the date of his arrest, April 21, 2004, in Annandale, Virginia, in the Eastern District of Virginia, the defendant possessed a Smith & Wesson nine millimeter semiautomatic pistol. This Smith & Wesson pistol was made in Massachusetts and transported into Virginia. At the time the defendant received and possessed this firearm, he was an alien unlawfully in the United States.

12. This statement of facts includes those facts necessary to support the plea agreement between the defendant and the government. It does not include each and every fact known to the defendant or the government, and it is not intended to be a full enumeration of all of the facts surrounding the defendant's case.

13. The actions of the defendant as recounted above were in all respects knowing and deliberate, and were not committed by mistake, accident, or other innocent reason.

Respectfully submitted,

PAUL J. MCNULTY
UNITED STATES ATTORNEY

By: _____
Erik R. Barnett
Assistant United States Attorney

Defendant's Stipulation and Signature

After consulting with my attorney and pursuant to the plea agreement I entered into this day with the United States, I hereby stipulate that the above statement of facts is true and accurate. I further stipulate that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

Date: _____
Homero Birrey Dominguez-Ruiz
Defendant

Defense Counsel's Signature

I am Homero Birrey Dominguez-Ruiz's attorney. I have carefully reviewed the above statement of facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.

Date: _____
Nicholas A. Balland
Counsel for the Defendant